

REMARKS

In response to the Official Action of November 24, 2008, independent claims 1, 15, 24, and 25 have been amended in a manner which is believed to particularly point out and distinctly claim the invention.

In particular, each of these independent claims has been amended to make clear that at least two different modes of presentation are selected depending on the current posture of the apparatus or system. Support for the claim amendment is found in the original application as filed, including paragraph [0035] of the published application which sets forth that the first posture corresponds to a basically horizontally positioned mobile phone (first posture: basically horizontally positioned mobile phone → first mode of presentation: traditional compass) and paragraphs [0037-0040] and [0043] of the published application (second posture: tilted mobile phone → second mode of presentation: marine compass or arrow).

Thus, the term “different modes of presentation” refers to different ways of presenting information on a display and clearly does not mean using different kinds of data as a basis for a presentation.

Claim Rejections - 35 USC §102

At pages 2-6, claims 1-10 and 14-25 are rejected under 35 USC §102(e) as anticipated in view of US patent application publication 2003/0135327, Levine, et al (hereinafter Levin).

With respect to claim 1, it is asserted that Levine discloses an apparatus comprising at least one processing component configured to process data indicative of the current posture of the apparatus for enabling a posture related presentation of information to a user via an output component, wherein said processing includes selecting one of at least two different modes of presentation based on said data. Reference is made to Figure 1, element 110 and paragraph [0073] of Levine.

Claim 1 as amended requires selecting one of at least two different modes of presentation depending upon the current posture of the apparatus. That is, the current posture of an apparatus is used as a selection criterion and the result of the selection is a particular mode of presentation. Such is not disclosed by Levine.

More particularly, the Office refers to the definition of “heading” in paragraph [0028] of Levine (see Response to Arguments section at page 2 of the Office Action). Such a heading is not put into any relationship to a particular mode of presentation or used otherwise as a selection criterion in Levine.

The Office also refers to paragraph [0102] of Levine (see Response to Argument section of the Official Action) which indicates that depending on an assumed accuracy of GPS data, either a GPS position or an INS position is used. Initially, it is observed that such a GPS or INS position has nothing to do with the posture of the apparatus; GPS is not used in Levine for determining a posture of the apparatus at all. The position is rather simply a position of, for example, an aircraft in three dimensions (Levine, paragraph [0103]), which is considered by a person of ordinary skill in the art to be, for example, longitude, latitude, and height.

Furthermore, the selection criterion at paragraph [0102] of Levine is not the current posture of the apparatus, but rather relates to the accuracy of the GPS data. Furthermore, there is no indication that the result of the selection is a selection of a mode of presentation. The result of this selection is rather the currently preferred origin of a position. For a presentation (which is understood by a person of ordinary skill to mean displaying information to a user) it is obviously completely irrelevant whether a represented position has been determined in one way or the other.

The only portion of Levine referring to different modes of presentation (Levine, paragraph [0104]) provides no suggestion to a person of ordinary skill in the art that the selection between different modes could be based on anything but a user input, and in any case, there is no suggestion that it could be based on a current posture of an apparatus.

Thus, there is no suggestion in Levine to link the selection of one of several modes of presentation directly to the determined position of an apparatus as required by amended claim 1. In particular, claim 1 as amended emphasizes this difference.

For all of the foregoing reasons, it is therefore respectfully submitted that claim 1 is neither anticipated nor suggested by Levine.

Independent claims 15, 24, and 25 have been amended in a manner similar to claim 1, emphasizing that the different modes of presentation depend on the current

posture of the apparatus or system. Therefore, these claims are also believed to be neither anticipated nor suggested by Levine.

Since each of the independent claims of the present application are believed to be allowable, it is respectfully submitted that dependent claims 2-10, 14, and 16-23 are also not anticipated or suggested by Levine at least in view of such dependency.

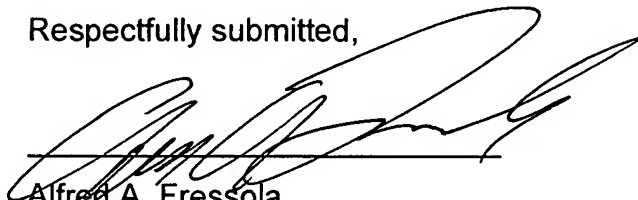
Claim Rejections - 35 USC §103

At pages 6-7, claims 11-13 are rejected under 35 USC §103(a) as being unpatentable over Levine further in view of US patent application publication 2002/0140745, Ellenby, et al. Claims 11-13 all ultimately depend from independent claim 24 and are believed to be allowable at least in view of such dependency.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,



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